



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 06, 2015

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Senate File 177 - Introduced

SENATE FILE 177
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO SSB 1012)

A BILL FOR

1 An Act concerning lottery games and revenue for support of
2 veterans.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSE 1182SV (2) 86
ec/nh



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S.F. 177

1 Section 1. Section 35A.13, subsection 4, paragraph a, Code
2 2015, is amended to read as follows:

3 a. The minimum balance of the trust fund required prior
4 to expenditure of moneys from the trust fund is five million
5 dollars. Once the minimum balance is reached, the interest
6 and earnings on the fund and the first three hundred thousand
7 dollars transferred each fiscal year pursuant to section ~~99G.9A~~
8 99G.39 from the lottery fund to the trust fund are appropriated
9 to the commission to be used to achieve the purposes of
10 subsection 6 of this section. Moneys appropriated to the
11 commission that remain unobligated or unexpended at the end of
12 each fiscal year shall revert to the trust fund. It is the
13 intent of the general assembly that the balance in the trust
14 fund reach fifty million dollars.

15 Sec. 2. Section 99G.39, Code 2015, is amended by adding the
16 following new subsection:

17 NEW SUBSECTION. 2A. Two million five hundred thousand
18 dollars in lottery revenues shall be transferred each fiscal
19 year to the veterans trust fund established pursuant to section
20 35A.13 prior to deposit of the lottery revenues in the general
21 fund pursuant to section 99G.40. However, if the balance of
22 the veterans trust fund is fifty million dollars or more, the
23 moneys shall be appropriated to the department of revenue for
24 distribution to county directors of veteran affairs, with fifty
25 percent of the moneys to be distributed equally to each county
26 and fifty percent of the moneys to be distributed to each
27 county based upon the population of veterans in the county,
28 so long as the moneys distributed to a county do not supplant
29 moneys appropriated by that county for the county director of
30 veteran affairs.

31 Sec. 3. Section 99G.39, subsection 3, paragraph a, Code
32 2015, is amended to read as follows:

33 a. Notwithstanding subsection 1, if gaming revenues under
34 sections 99D.17 and 99F.11 are insufficient in a fiscal year to
35 meet the total amount of such revenues directed to be deposited

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1 in the vision Iowa fund ~~and the school infrastructure fund~~
2 during the fiscal year pursuant to section 8.57, subsection
3 5, paragraph "e", the difference shall be paid from lottery
4 revenues prior to deposit of the lottery revenues in the
5 general fund and transfer of lottery revenues to the veterans
6 trust fund as provided in subsection 2A. If lottery revenues
7 are insufficient during the fiscal year to pay the difference,
8 the remaining difference shall be paid from lottery revenues
9 prior to deposit of lottery revenues in the general fund and
10 the transfer of lottery revenues to the veterans trust fund as
11 provided in subsection 2A in subsequent fiscal years as such
12 revenues become available.

13 Sec. 4. REPEAL. Section 99G.9A, Code 2015, is repealed.

14 EXPLANATION

15 The inclusion of this explanation does not constitute agreement with
16 the explanation's substance by the members of the general assembly.

17 This bill repeals Code section 99G.9A, which requires the
18 lottery to conduct a limited series of lottery games with
19 the revenues from the games to be used to provide aid for
20 veterans through deposit in the veterans trust fund or, if the
21 balance in the veterans trust fund exceeds \$50 million, for
22 distribution to county directors of veteran affairs.

23 Instead, the bill amends Code section 99G.39 to provide
24 that \$2.5 million in lottery revenues shall be transferred
25 each fiscal year for distribution to provide aid to veterans
26 in the same manner as provided by current Code section 99G.9A.
27 The bill also provides that the \$2.5 million appropriation is
28 subject to the requirement that lottery revenues be used for
29 deposit in the vision Iowa fund if gaming revenues under Code
30 sections 99D.17 and 99F.11 that would otherwise be deposited in
31 these funds are insufficient in a fiscal year.



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Senate File 178 - Introduced

SENATE FILE 178
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 21)

A BILL FOR

1 An Act relating to restrictions on the receipt by certain
2 felons of certain insurance proceeds and other benefits.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSE 1081SV (1) 86
av/rj



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1 Section 1. Section 633.535, Code 2015, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 4. *a.* A named beneficiary of a bond,
4 life insurance policy, or any other contractual arrangement
5 convicted of a felony referenced in paragraph `d` that was
6 perpetrated against the principal obligee or person upon
7 whose life the policy is issued or whose death generates the
8 benefits under any other contractual arrangement, in the six
9 months immediately prior to the obligee's or person's death, is
10 not entitled to any benefit under the bond, policy, or other
11 contractual arrangement.

12 *b.* The procedure set out in section 633.536 applies and
13 the benefits become payable as though the convicted obligee or
14 person had predeceased the decedent.

15 *c.* However, a principal obligee or person upon whose life
16 the policy is issued or whose death generates the benefits
17 under any other contractual arrangement, in the six months
18 immediately prior to the obligee's or person's death, may
19 affirm by a signed, notarized affidavit that the beneficiary
20 should receive any benefit under the bond, policy, or other
21 contractual arrangement despite a felony conviction referenced
22 in this subsection.

23 *d.* This subsection applies to a conviction for any of the
24 following felonies:

- 25 (1) Any felony contained in chapter 707.
26 (2) Any felony contained in chapter 708.
27 (3) Any felony contained in chapter 709.
28 (4) Any felony contained in chapter 710.

29 **EXPLANATION**

30 The inclusion of this explanation does not constitute agreement with
31 the explanation's substance by the members of the general assembly.

32 This bill relates to restrictions on the receipt by certain
33 felons of certain insurance proceeds and other benefits.

34 The bill provides that a person convicted of certain
35 felonies perpetrated against a decedent in the six months

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1 immediately prior to the decedent's death is not entitled,
2 as a named beneficiary of a bond, life insurance policy,
3 or any other contractual arrangement, to any benefit under
4 the bond, policy, or other contractual arrangement, and the
5 benefits become payable as though the person causing death
6 had predeceased the decedent. However, the bill allows such
7 a decedent, in the six months prior to death, to affirm
8 by affidavit that the named beneficiary should receive the
9 described benefit despite the felony conviction.

10 The bill applies to felonies in the following Code chapters:
11 707 (homicide and related crimes), 708 (assault and related
12 offenses), 709 (sexual abuse and related sexual offenses), and
13 710 (kidnapping and related offenses).



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Senate Study Bill 1158 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON EDUCATION BILL BY
CHAIRPERSON QUIRMBACH)

A BILL FOR

1 An Act relating to the contract bidding process for
2 construction projects of educational institutions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TL5B 1191XC (2) 86
tr/rj



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1 Section 1. Section 26.2, Code 2015, is amended by adding the
2 following new subsections:

3 NEW SUBSECTION. 01. "*Construction manager*" means a person
4 with substantial discretion and authority to plan, coordinate,
5 manage, and direct all phases of a construction project, but
6 does not mean a person who provides architectural, landscape
7 architectural, or engineering design services, or who actually
8 performs construction work on the project.

9 NEW SUBSECTION. 001. "*Educational institution*" means the
10 state board of regents or a public school corporation.

11 NEW SUBSECTION. 1A. "*General contractor*" means a person who
12 engages in the business of construction, but does not include
13 a construction manager.

14 NEW SUBSECTION. 3A. "*Public school corporation*" includes
15 a community college as defined in section 260C.2, an area
16 education agency established under section 273.2, and a school
17 district as described in section 274.1.

18 Sec. 2. Section 26.2, subsection 2, Code 2015, is amended
19 to read as follows:

20 2. "*Governmental entity*" means the state, political
21 subdivisions of the state, public school corporations, and all
22 officers, boards, or commissions empowered by law to enter
23 into contracts for the construction of public improvements,
24 ~~excluding the state board of regents and the state department~~
25 of transportation.

26 Sec. 3. Section 26.7, subsection 2, Code 2015, is amended
27 to read as follows:

28 2. a. The notice to bidders may provide that bids will
29 be received for the furnishing of all labor and materials and
30 furnishing or installing equipment under one contract, or for
31 parts thereof in separate sections.

32 b. When an educational institution seeks separate bids for
33 parts of a public improvement project, a general contractor
34 shall be allowed to submit a bid for the entire public
35 improvement project.

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EXPLANATION

1

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3

The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.

4 This bill affects public construction projects set for
5 bidding by educational institutions.

6 Currently, the state board of regents is exempted from Code
7 chapter 26, the Iowa Construction Bidding Procedures Act,
8 through a specific exemption in the chapter's definition of
9 "governmental entity". The bill eliminates this exemption,
10 thus requiring the state board of regents to comply with the
11 requirements established by the Code chapter.

12 Currently, when a governmental entity seeks separate bids
13 for parts of a public improvement project, general contractors
14 may be prohibited from submitting bids for the project as a
15 whole. The bill requires general contractors to be allowed
16 to submit bids for an entire project in instances where the
17 state board of regents or a public school corporation, such
18 as an area education agency, a community college, or a school
19 district, has decided to accept bids for separate parts of the
20 public improvement project.

21 The bill defines "construction manager", "educational
22 institution", general contractor", and "public school
23 corporation".



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Senate Study Bill 1159 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON SODDERS)

A BILL FOR

1 An Act relating to the possession of alcohol by certain minors,
2 and making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2003XC (1) 86
jh/rj



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1 Section 1. Section 123.47, subsection 4, paragraph c, Code
2 2015, is amended to read as follows:

3 c. If the person who commits a violation of this section
4 is under the age of eighteen, the matter shall be disposed
5 of in the manner provided in chapter 232. However, if the
6 juvenile court waives its jurisdiction over the person pursuant
7 to section 232.45 so that the person may be prosecuted as an
8 adult, or if the person appears in adult court for a violation
9 of this section that occurred prior to having reached the age
10 of eighteen and no transfer of jurisdiction to the juvenile
11 court is ordered pursuant to section 803.5, then the penalty
12 for a violation of this section shall be as set forth in
13 paragraphs "a" and "b".

14 EXPLANATION

15 The inclusion of this explanation does not constitute agreement with
16 the explanation's substance by the members of the general assembly.

17 This bill relates to the possession of alcohol by certain
18 minors and makes penalties applicable.

19 Current law provides that a person who is 18, 19, or 20
20 years of age, other than a licensee or permittee under the
21 alcoholic beverages laws, who purchases, attempts to purchase,
22 or possesses alcohol commits a simple misdemeanor punishable
23 by a scheduled fine of \$200 for a first offense, a simple
24 misdemeanor punishable by a \$500 fine and a substance abuse
25 evaluation or the suspension of the person's motor vehicle
26 operating privileges for a period not to exceed one year for a
27 second offense, or a simple misdemeanor punishable by a \$500
28 fine and the suspension of the person's motor vehicle operating
29 privileges for a period not to exceed one year for a third or
30 subsequent offense. A person who is under the age of 18 who
31 commits a violation of this law is referred to juvenile court.

32 The bill provides that if the juvenile court waives its
33 jurisdiction over a person who is under the age of 18 pursuant
34 to Code section 232.45 so that the person may be prosecuted
35 as an adult, or if the person appears in adult court for a

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1 violation of this law that occurred before the person turned
2 18 and no transfer of jurisdiction to the juvenile court is
3 ordered pursuant to Code section 803.5, then the penalty for
4 such a violation is the same as for a person who is 18, 19, or
5 20 years of age who violates this law.



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Senate Study Bill 1160 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON SODDERS)

A BILL FOR

1 An Act relating to certain persons who are excluded from
2 coverage under the workers' compensation law of this state.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1682XC (3) 86
av/rj



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1 Section 1. Section 87.22, Code 2015, is amended to read as
2 follows:

3 **87.22 ~~Corporate officer exclusion~~ Exclusion from workers'**
4 **compensation or employers' liability coverage — corporate**
5 **officers, proprietors, limited liability company members, limited**
6 **liability partners, and partners.**

7 1. The president, vice president, secretary, and treasurer
8 of a corporation other than a family farm corporation, but
9 not to exceed four officers per corporation, may exclude
10 themselves from workers' compensation coverage under chapters
11 85, 85A, and 85B by knowingly and voluntarily rejecting
12 workers' compensation coverage by signing, and attaching to the
13 workers' compensation or employers' liability policy a written
14 rejection, or if such a policy is not issued, by signing a
15 written rejection which is witnessed by two disinterested
16 individuals who are not, formally or informally, affiliated
17 with the corporation and which is filed by the corporation
18 with the workers' compensation commissioner. The workers'
19 compensation commissioner shall maintain a list of those
20 corporations that have filed a written rejection pursuant to
21 this subsection or a written termination of that rejection
22 pursuant to subsection 5, paragraph "a", and that list shall be
23 a public record open to public inspection.

24 2. A proprietor, limited liability company member, limited
25 liability partner, or partner who does not elect to be covered
26 by the workers' compensation law of this state pursuant
27 to section 85.1A by purchasing valid workers' compensation
28 insurance specifically including that person, shall file a
29 nonelection of workers' compensation coverage by signing, and
30 attaching to the workers' compensation or employers' liability
31 policy a written nonelection, or if such a policy is not
32 issued, by signing a written nonelection which is witnessed
33 by two disinterested individuals who are not, formally or
34 informally, affiliated with the employer and which is filed by
35 the employer with the workers' compensation commissioner. The

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1 workers' compensation commissioner shall maintain a list of
2 those employers that have filed a written nonelection pursuant
3 to this subsection or a written termination of that nonelection
4 pursuant to subsection 5, paragraph "b", and that list shall be
5 a public record open to public inspection.

6 ~~2.~~ 3. a. The written rejection made pursuant to subsection
7 1, shall be in substantially the following form:

8 REJECTION OF WORKERS'

9 COMPENSATION OR EMPLOYERS'

10 LIABILITY COVERAGE

11 I understand that by signing this statement I reject the
12 coverage of chapters 85, 85A, and 85B of the Code of Iowa
13 relating to workers' compensation.

14 I understand that my rejection of the coverage of chapters
15 85, 85A, and 85B is not a waiver of any rights or remedies
16 available to me or to others on my behalf in a civil action
17 related to personal injuries sustained by me arising out of and
18 in the course of my employment with the corporation.

19 I also understand that by signing this statement and checking
20 alternative (1) below I reject employers' liability coverage
21 for bodily injuries or death sustained by me arising out of and
22 in the course of my employment with the corporation. [Check
23 either alternative (1) or (2):]

24 (1) I reject the employers' liability coverage.

25 (2) I decline to reject the employers' liability coverage.

26 Signed

27 Corporate Office

28 Date

29 City, County, State of Residence

30 Witness

31 Witness

32 I also understand that the signing of this statement and
33 checking of alternative (1) below by an authorized agent of the
34 corporation rejects for the corporation employers' liability
35 coverage for bodily injuries or death sustained by me arising

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1 out of and in the course of my employment with the corporation.

2 [Check either alternative (1) or (2):]

3 (1) The corporation rejects the employers' liability
4 coverage.

5 (2) The corporation declines to reject the employers'
6 liability coverage.

7 Signed

8 Relationship to Corporation

9 Date

10 City, County, State of Residence

11 Witness

12 Witness

13 b. The written nonelection of coverage made pursuant to
14 subsection 2, shall be in substantially the following form:

15 NONELECTION OF WORKERS'

16 COMPENSATION OR EMPLOYERS'

17 LIABILITY COVERAGE

18 I acknowledge that I am a proprietor, limited liability
19 company member, limited liability partner, or partner and that
20 I am not required to be covered by the worker's compensation
21 law of this state pursuant to section 85.1A. I understand
22 that by signing this statement I am not electing the coverage
23 of chapters 85, 85A, and 85B of the Code of Iowa relating to
24 workers' compensation.

25 I understand that my nonelection of the coverage of chapters
26 85, 85A, and 85B is not a waiver of any rights or remedies
27 available to me or to others on my behalf in a civil action
28 related to personal injuries sustained by me arising out of and
29 in the course of my employment with the employer.

30 I also understand that by signing this statement and checking
31 alternative (1) below I am not electing employers' liability
32 coverage for bodily injuries or death sustained by me arising
33 out of and in the course of my employment with the employer.

34 [Check either alternative (1) or (2):]

35 (1) I am not electing the employer's liability coverage.

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1 (2) I am electing the employer's liability coverage by
2 purchasing valid workers' compensation insurance specifically
3 including me.

4 Signed

5 Employer's Office

6 Date

7 City, County, State of Residence

8 Witness

9 Witness

10 I also understand that the signing of this statement and
11 checking of alternative (1) below by an authorized agent of the
12 employer is a nonelection for the employer of the employers'
13 liability coverage for bodily injuries or death sustained by
14 me arising out of and in the course of my employment with the
15 employer. [Check either alternative (1) or (2):]

16 (1) The employer does not elect the employer's liability
17 coverage.

18 (2) The employer elects the employer's liability coverage by
19 purchasing valid workers' compensation insurance specifically
20 including me.

21 Signed

22 Relationship to Employer

23 Date

24 City, County, State of Residence

25 Witness

26 Witness

27 ~~3.~~ 4. The rejection or nonelection of workers' compensation
28 coverage is not enforceable if it is required as a condition
29 of employment.

30 ~~4.~~ 5. a. A corporate officer who signs a written rejection
31 filed with the workers' compensation commissioner pursuant to
32 subsection 1 may terminate the rejection by signing a written
33 notice of termination which is witnessed by two disinterested
34 individuals, who are not, formally or informally, affiliated
35 with the corporation and which is filed by the corporation with

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1 the workers' compensation commissioner. Following the filing
2 of a notice of termination pursuant to this paragraph, the
3 status of the person signing the notice of termination shall
4 be the same as if the rejection of coverage had not been made,
5 except that the notice of termination shall not be effective as
6 to any injury sustained or disease incurred less than one week
7 after the notice is filed.

b. A proprietor, limited liability company member, limited liability partner, or partner who signs a written nonelection with the workers' compensation commissioner pursuant to subsection 2 may terminate the nonelection by signing a written notice of termination which is witnessed by two disinterested individuals, who are not, formally or informally, affiliated with the employer and which is filed by the employer with the workers' compensation commissioner. Following the filing of a notice of termination pursuant to this paragraph, the status of the person signing the notice of termination shall be the same as if the nonelection of coverage had not been made and the person may elect to be covered by the workers' compensation law of this state by purchasing valid workers' compensation insurance specifically including that person as provided in section 85.1A, except that the election of coverage shall not be effective as to any injury sustained or disease incurred less than one week after the notice is filed.

EXPLANATION

26 The inclusion of this explanation does not constitute agreement with
27 the explanation's substance by the members of the general assembly.

28 This bill relates to certain persons who are excluded from
29 workers' compensation coverage requirements.

30 The bill provides that the workers' compensation
31 commissioner shall maintain a list of corporate officers that
32 reject workers' compensation coverage or that terminate their
33 rejection of the coverage. The list shall be a public record
34 that is open to public inspection.

35 The bill also requires a proprietor, limited liability



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1 company member or partner, or a partner, who does not elect
2 workers' compensation coverage by purchasing valid coverage
3 that specifically includes that person, to sign a nonelection
4 of that coverage which must be attached to the workers'
5 compensation or employer's liability policy or filed with the
6 workers' compensation commissioner. The workers' compensation
7 commissioner is required to maintain a list of persons who do
8 not elect such coverage or that terminate that nonelection of
9 coverage. The list shall be a public record that is open to
10 public inspection. The bill also provides a form for such a
11 person to indicate that the person is not electing workers'
12 compensation coverage.

13 The bill provides that when a corporate officer terminates a
14 rejection of workers' compensation coverage by filing a notice
15 of termination with the workers' compensation commissioner, the
16 notice of termination restores the officer to the same status
17 as if the rejection of coverage had not occurred although the
18 termination of rejection is not effective as to any injury
19 sustained or disease incurred less than one week after the
20 notice is filed.

21 The bill provides also that a proprietor, limited liability
22 company member or partner, or partner, may terminate a
23 nonelection of workers' compensation coverage by filing
24 a notice of termination with the workers' compensation
25 commissioner. The notice of termination restores that person
26 to the same status as if the nonelection of coverage had not
27 occurred and the person may elect to be covered by the workers'
28 compensation law of this state by purchasing valid workers'
29 compensation insurance specifically including that person,
30 as provided in Code section 85.1A. However, the election of
31 coverage shall not be effective as to any injury sustained or
32 disease incurred less than one week after the notice is filed.

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